

Appl: No. : 09/318,438
Filed : May 25, 1999

Please add Claims 41-46 as follows:

41. (New) A method of selecting components for installation on a computer, the method comprising:
 - determining one or more client conditions regarding the computer;
 - transmitting a request for the upgrade of one or more components; and
 - identifying one or more components for installation on the computer based upon the client conditions.
42. (New) The method of Claim 41, additionally comprising:
 - receiving a configuration file in response to the request for the upgrade, the configuration file being related to at least one of the components.
43. (New) The method of Claim 42, further comprising associating an expiration time with the configuration file.
44. (New) The method of Claim 43, further comprising:
 - determining whether the expiration time indicates that the configuration file has expired;
 - and
 - stopping the identification step upon the determination that the configuration has expired.
45. (New) The method of Claim 42, additionally comprising: sending the configuration file to a component server to identify one or more of the components.
46. (New) The method of Claim 42, additionally comprising: sending at least some of the contents of the configuration file to a component server to identify one or more of the components.

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

The specific changes to the amended claims are shown on a separate set of pages hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages the insertions are underlined while the deletions are stricken through.

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Discussion of Claim Rejections Under 35 U.S.C. § 112, 1st Paragraph

In the Office Action, the Examiner rejected Claim 7 under 35 U.S.C. § 112, 1st paragraph, as containing subject matter which was not described in the specification as to enable one skilled in the art which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner took the position that the specification failed to disclose sending the second configuration file to a component server without reading with the client computer any part of the second configuration file differing in format from the received configuration file.

Applicant respectfully submits that Claim 7, as amended, is supported by the specification. *See e.g.*, p. 12, line 14 - p. 13, line 7. Applicant respectfully requests withdrawal of this rejection.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

In the Office Action, the Examiner rejected Claims 1, 2, 5-14, 16-21, 24-33 and 36-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,199,204 to Donohue. The Examiner rejected Claims 3, 4, 15, 22, 23, 34, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Donohue.

Applicant has enclosed herewith a Declaration Under 37 C.F.R. § 1.131. The Declaration shows that the inventors created and used their software update system prior to the filing date of Donohue, *i.e.*, September 22, 1998.

Donohue was the sole reference cited by the Examiner in each of Claims 1-40. Since Applicant removed Donohue as a reference, Applicant submits Claims 1-40 are now in condition for immediate allowance.

Discussion of Information Disclosure Statements

The Examiner attached to the Office Action copies of Information Disclosure Statements, filed October 25, 1999, that were partially initialed by the Examiner. Applicant respectfully requests the Examiner to initial that these reference have been considered, or alternatively, provide reasons why these references were not considered.

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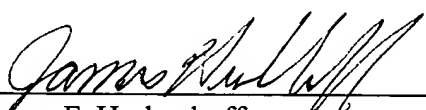
Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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Dated: 4/19/02

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

5. (Amended) The method of Claim 2, additionally comprising ~~the act of sending the configuration file to a component server, the component server performing the identifying step~~
reading only an identifier in the configuration file; and
sending at least a portion of the contents of the configuration file to a component server.

7. (Amended) The method of Claim 2, additionally comprising:
reading an identifier in the configuration file; and
sending at least a portion of the configuration file to a component server

~~the act:~~

~~receiving a second configuration file having a format different than the received configuration file; and~~

~~sending the second configuration file to a component server without reading any part of the second configuration file different in format from the received configuration file.~~

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